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B I L L

TO

Confirm certain Provisional Orders of the Local Government Board for Ireland relating to the Dublin Joint Hospital District, the Portarlington Joint Burial Board, Clonmel and the King's County and County of Westmeath. A.D. 1912.

WHEREAS the Local Government Board for Ireland (hereinafter referred to as "the Local Government Board") have made the Provisional Orders set out in Schedules A. B. and C. hereto under the Public Health (Ireland) Acts 1878 to 1907 and the Provisional Order set out in Schedule D. hereto under the Local Government (Ireland) Act 1898:

And whereas it is requisite that the said Orders should be confirmed by Parliament and that the provisions herein contained should be enacted with reference to those Orders:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Orders set out in the schedules hereto are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. The Dublin Joint Hospital Board and the Portarlington Joint Burial Board shall not under the powers of the Orders relating to their respective districts and hereby confirmed purchase or acquire in any urban district any house which on the fifteenth day of December last was occupied either wholly or

Restriction of power to take houses of working class.

A.D. 1912. partially by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board any house which was not so occupied on the said fifteenth day of December but has been or shall be subsequently so occupied. 5

If either of the said authorities acquire or appropriate any house or houses for the purposes of the Order relating to their district in contravention of the foregoing provisions they shall be liable to a penalty of *five hundred pounds* in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty. 10

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own families and persons other than domestic servants whose income does not exceed an average of *thirty shillings* a week and the families of any of such persons who may be residing with them. 15

Short title.

3. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1912. 25

SCHEDULES.

A.D. 1912.

SCHEDULE A.

DUBLIN JOINT HOSPITAL DISTRICT.

Provisional Order to enable the Dublin Joint Hospital

*Dublin Joint
Hospital.*

5 *Board to put in force the Compulsory Clauses of the Lands
Clauses Acts.*

WHEREAS by the Dublin Sanatorium for Consumptives Order 1907
(in this Order referred to as the Order of 1907) made under the
Public Health (Ireland) Act 1878 and confirmed by the Local Govern-
ment Board (Ireland) Provisional Orders Confirmation (No. 2) Act
10 1907 the Dublin Joint Hospital District was formed and the Dublin
Joint Hospital Board (in this Order referred to as the joint board)
was constituted as the governing body of the said district for the
purposes of the provision maintenance and management for the use of
15 the inhabitants of the county borough of Dublin and the county
districts specified in the schedule to the said Order of a hospital to
be used as a sanatorium for consumptives:

And whereas the joint board require to purchase and take the
lands and premises described in the schedule hereto for the purposes
20 aforesaid:

Now therefore We the Local Government Board for Ireland (in
this Order referred to as the Local Government Board) in pursuance
of the powers given to Us by section 203 of the Public Health
(Ireland) Act 1878 and of all other powers enabling Us in that behalf
25 do hereby order that from and after the date of the Act confirming
this Order the following provisions shall have effect namely:—

1. The joint board shall be empowered to put in force with
reference to the lands and premises described in the schedule hereto
and for the purposes aforesaid the powers of the Lands Clauses Acts
30 as amended by section 8 of the Public Health (Ireland) Act 1896
with respect to the purchase and taking of lands otherwise than by
agreement or any of them.

2. The joint board shall not by virtue of the powers given by
this Order or by any exercise of those powers be released from any
35 obligations under a certain covenant for the preservation of plantations
entered into by the joint board with Sarah Wilhelmina Campbell and

A.D. 1912. contained in an indenture dated the Twenty-ninth day of September
 Dublin Joint One thousand nine hundred and nine.
 Hospital.

3. The costs and expenses of the joint board and the Local Government Board incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the joint board and defrayed as expenses of the joint board in manner provided by Article 23 of the Order of 1907. 5

4. This Order may be cited as the Dublin Joint Hospital Order 1912.

SCHEDULE.

10

BARONY of NEWCASTLE and COUNTY of DUBLIN.

Description of Lands and Premises.

First the following property and rights excepted and reserved to the Governors of St. Patrick's Hospital Dublin their successors and assigns by an indenture dated the Fifth day of May One thousand eight hundred and fifty-six and made between the said Governors of the one part and John James Verschoyle of the other part so far as the same are in or upon or affect that portion of the lands of Crookslin in the barony of Newcastle and county of Dublin containing two hundred and ninety-six acres three roods and twenty-eight perches and delineated on the deposited plan and therein surrounded with a red verge line (other than the lands in the said plan coloured pink) that is to say—All mines minerals quarries trees woods underwoods and bog timber and the right of ingress egress and regress to search for dig and carry away the same and the right of hunting hawking fishing and fowling and all royalties. 15 20 25

And secondly the right of shooting on or over the said portion of the said lands.

Given under our seal of office this eleventh day of May in the year of our Lord one thousand nine hundred and twelve. 30

(L.S.)

H. A. ROBINSON.

SCHEDULE B.

A.D. 1912.

PORTARLINGTON JOINT BURIAL BOARD.

*Provisional Order forming a united district under section 12
of the Public Health Ireland Act 1878.*

*Portarlington
Joint Burial
Board.*

- 5 WHEREAS the council of the rural district of Mountmellick and the council of the rural district of Cloneygowan (in this Order referred to as "district councils") are the sanitary authorities for their respective districts:

10 Now therefore We the Local Government Board for Ireland (in this Order referred to as "the Local Government Board") in pursuance of the powers given to Us by section 12 of the Public Health (Ireland) Act 1878 and of any other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:—

- 15 1. The rural district of Mountmellick and the rural district of Cloneygowan shall be formed into a united district to be called the Portarlington Joint Burial Board District for the purpose of providing a new burial ground for Portarlington and other localities within the united district and of maintaining and managing the burial ground
20 when provided.

*Formation
of united
district.*

2. The governing body of the united district shall be a joint board consisting of fourteen members of whom twelve shall be elective members and two shall be ex-officio members. Of the elective members eight shall be elected by the council of the rural district of Mount-
25 mellick from amongst the members of their body and four shall be elected by the council of the rural district of Cloneygowan from amongst the members of their body.

*Constitution
of governing
body.*

- The ex-officio members shall be the Roman Catholic priest and the Church of Ireland incumbent for the time being of the parish of
30 Portarlington.

3. Such of the provisions of Article 12 of the schedule to the Local Government (Application of Enactments) Order 1898 as relate to members of district councils shall with the necessary modifications apply to elective members of the joint board.

*Disqualifi-
cation.*

- 35 4. The first election of elective members of the joint board shall in the case of each district council take place at a duly convened meeting of the council held within three months after the date of the Act confirming this Order or within such further time as the Local Government Board may allow.

First election.

A.D. 1912.

*Portarlington
Joint Burial
Board.**Notification to
Local Govern-
ment Board of
members first
elected.**Annual
election.**Continuance
in office.**Casual
vacancies.**Proceedings
at elections.**Inspection-
tion of joint
burial board.**Powers and
duties of
joint board.*

5. The clerk of each district council shall within seven days after the first election notify to the Local Government Board in writing the name address and occupation of each of the persons elected by the council as a member of the joint board.

6. After the first election an annual election of elective members of the joint board shall take place in the case of each district council at the meeting of the council held next after the first day of April in each year or at such other meeting as the Local Government Board may appoint.

7. Each elective member of the joint board shall (unless he previously dies or resigns or becomes disqualified or vacates his seat for absence) continue in office until the next annual election of members of the joint board by the district council by whom he was elected and shall then retire but may be re-elected if otherwise qualified.

8. On a casual vacancy occurring on the joint board by reason of the death resignation disqualification or absence of an elective member the vacancy shall be filled by the district council by whom the vacating member was elected electing a new member in his place at a meeting of the council to be held within one month after the vacancy has occurred or within such further time as the Local Government Board may allow and the members so elected shall hold office until the time when the member in whose place he was elected would have regularly gone out of office and shall then retire but may be re-elected if otherwise qualified.

The clerk of the council shall give seven days' notice in writing of any such meeting to each member of the council and after the election shall forthwith notify in writing to the clerk of the joint board the name address and occupation of the person elected.

9. Subject to the express provisions in that behalf contained in this Order the business at elections of members of the joint board shall be conducted and all questions shall be put and decided in the same manner as other business is conducted and other questions are put and decided at the meetings of the district councils.

10. The joint board shall be a body corporate by the name of "the Portarlington Joint Burial Board" and shall have perpetual succession and a common seal with power to acquire and hold lands for the purposes for which the united district is formed as aforesaid.

11. From and after the completion of the first election of elective members in pursuance of this Order the joint board shall as respects the united district and for the purposes aforesaid have all the powers and perform all the duties conferred and imposed on a burial board by the Public Health (Ireland) Acts 1878 to 1907.

12. The expenses which may be incurred by the joint board in the execution of this Order shall be defrayed out of a common fund to be contributed by the district councils in the proportions following that is to say two thirds thereof shall be contributed by the Mountmellick Rural District Council and the remaining third thereof shall be contributed by the Cloneygowra Rural District Council. The contribution of each district council shall be included by the council in their annual estimate and in their demand to be forwarded to the county council of the county comprising their rural district in accordance with section 51 of the Local Government (Ireland) Act 1898.
13. On or before the fifteenth day of December in each year the joint board shall send to the district councils an estimate and demand stating the sums required for the time being to be contributed by the district councils and requiring the district councils within a time to be mentioned in the estimate and demand to pay the amounts of their respective contributions to the joint board and thereupon the district councils respectively shall take the proceedings necessary to obtain the amount of their respective contributions and pay the same to the joint board in accordance with the terms of the estimate and demand.
- 14.—(1) The first meeting of the joint board shall be held at such time and place as the Local Government Board may fix.
- (2) A meeting of the joint board shall be held in every year after the year nineteen hundred and twelve on the first Saturday following the day on which the election of elective members of the joint board has been completed.
- (3) Subject to the foregoing provisions of this Article the joint board shall meet at least once in every month on some day to be fixed at the last preceding meeting of the said board and if no such day is fixed then on the first Saturday in every month.
15. At the first meeting and subsequently at the meeting held next after the completion of the election of elective members of the joint board in each year the board shall appoint one of their members chairman and another member vice-chairman of the joint board. Such chairman and vice-chairman shall hold office until the next annual appointment of a chairman and vice-chairman provided that in the event of such chairman or vice-chairman dying resigning or ceasing to be a member of the joint board the joint board at the next meeting after such vacancy has taken place shall appoint another member of the joint board to fill the vacancy.
16. At all meetings of the joint board the chairman or in his absence the vice-chairman shall preside and if at the commencement of any meeting the chairman and vice-chairman are both absent the members

A.D. 1912.

Portlindington
Joint Board.

Expenses of
joint board.

61 & 62 Vict.
c. 37.

Payment of
contributions
to joint
board.

Meetings of
joint board.

Chairman
and vice-
chairman of
joint board.

Conduct of
business at
meetings of
joint board.

A.D. 1912.

Portarlinton
Joint Burial
Board.Questions to
be decided by
a majority of
votes.Vote of chair-
man.Quorum of
joint board.Savings of
borrowing
powers of
councils.Accounts
and audit.Costs of
Order.

Citation.

of the board present shall elect one of their number to preside at such meeting until the chairman or vice-chairman takes the chair.

17. Every question at any meeting of the joint board consisting of more than four members shall be determined by a majority of the votes of the members present and in any case in which there is an equality of votes on any question that question shall be deemed to be lost provided that where there is an equality of votes at the election of chairman or vice-chairman or the chairman of a meeting it shall be determined by lot which of the persons receiving an equal number of votes shall be chairman or vice-chairman or the chairman of the meeting as the case may be.

18. The chairman presiding at any meeting of the joint board shall be entitled to give one vote on each question submitted to the joint board but he shall not under any circumstances be entitled to any additional or casting vote.

19. No act at any meeting of the joint board shall be valid unless four members at least are present and if no greater number of members be present unless all of them concur therein.

20. Any sums borrowed by the joint board under the provisions of the Public Health (Ireland) Act 1878 for the purposes of their constitution shall not affect or reduce the amount which either district council may borrow under that Act.

21. The accounts of the joint board shall be separately kept and shall be audited by an auditor of poor law unions designated by the Local Government Board and all the enactments which relate or apply to the audit of the accounts of rural district councils (including the provisions of those enactments which impose penalties or provide for the recovery or payment of money whether in respect of auditors salaries or otherwise) and all orders made under these enactments shall apply to the audit of the accounts of the joint board in like manner as if the board were a rural district council.

22. All costs and expenses incurred by the district councils or the Local Government Board in relation to the application for preparation making and confirmation of this Order shall be deemed to be and be defrayed as expenses incurred by the joint board in the execution of this Order and where incurred by the Local Government Board shall be paid by the joint board to the Local Government Board.

23. This Order may be cited as the Portarlinton Joint Burial Board Order 1912.

Given under our seal of office this sixth day of May in the year of our Lord one thousand nine hundred and twelve.

(L.S.)

(Signed) EDMUND BOURKE.

SCHEDULE C.

A.D. 1913.

BOROUGH OF CLONMEL.

Provisional Order to alter and amend the Clonmel Corporation Act 1895 and the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1897. Clonmel.

WHEREAS the mayor aldermen and burgesses of the borough of Clonmel (in this Order referred to as "the Corporation") are the urban sanitary authority for the urban sanitary district comprising the borough of Clonmel:

10 And whereas the Clonmel Corporation Act 1895 (in this Order referred to as the "Act of 1895") is in force in the said district: 53 & 54 Vict. c. cxxxi.

And whereas the Act of 1895 was amended by the Clonmel Corporation Provisional Order 1897 (in this Order referred to as the "Order of 1897") being a Provisional Order made in pursuance of the Public Health (Ireland) Act 1878 and confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1897 (in this Order referred to as the "Act of 1897"): 41 & 42 Vict. c. 52. 50 & 51 Vict. c. lxxvii.

And whereas by section 18 of the Act of 1895 the Corporation were empowered to maintain alter extend improve and discontinue certain gasworks upon the lands described in the third schedule to that Act:

And whereas by section 39 of the Act of 1895 as amended by Article 4 of the Order of 1897 the Corporation were empowered to borrow a sum not exceeding eighteen thousand pounds for the gas purposes referred to in the said Order:

And whereas the Corporation being desirous of constructing upon the lands described in the schedule to this Order an extension of the said gasworks and of obtaining additional borrowing powers for the purposes of their gas undertaking have applied to the Local Government Board for Ireland (in this Order referred to as the "Local Government Board") for a Provisional Order altering and amending the said provisions:

And whereas after inquiry it appears to the Local Government Board expedient that the said provisions should be altered and amended:

Now therefore We the Local Government Board in pursuance of the powers given to Us by section 205 and section 214 of the Public Health (Ireland) Act 1878 and of all other powers enabling Us in that behalf do hereby order that from and after the date of the Act

A.D. 1912. confirming this Order the following provisions shall have effect
 Clonmel. namely:—

1. The Act of 1895 as amended by the Order of 1897 and the Act of 1897 so far as it confirms that Order shall be amended and altered as follows:—

5

- (a) The powers given to the Corporation by section 18 of the Act of 1895 shall be extended so as to include a power to construct upon the lands described in the schedule to this Order extensions of the gasworks mentioned in that section and to maintain alter improve renew or discontinue any 10 such extensions;
- (b) The powers given to the Corporation by section 39 of the Act of 1895 as amended by Article 4 of the Order of 1897 to borrow sums for the gas purposes referred to in the said Order shall be extended so as to authorise the Corporation 15 to borrow from time to time such sums as may be required for the general purposes of their gas undertaking so that the sum borrowed does not at any time with the balance of all outstanding loans borrowed by the Corporation for the gas purposes referred to in the Order of 1897 or for the 20 general purposes of their gas undertaking exceed in the whole the sum of twenty-three thousand pounds;

Provided that the Corporation shall not borrow any sum for any purpose in connexion with their gas undertaking except with the sanction of the Local Government Board 25 and the provisions of the Public Health (Ireland) Acts 1878 to 1907 with respect to local inquiries shall apply in like manner as if such sanction were a sanction required by those Acts.

2. The amendments and alterations made by the last preceding 30 article shall be deemed to be incorporated in the Act of 1895 as amended by the Order of 1897.

3. The costs and expenses of the Corporation and the Local Government Board incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the 35 Corporation and shall be treated as expenses incurred in connexion with their gas undertaking.

4. This Order may be cited as the Clonmel Order 1912.

SCHEDULE.

A.D. 1912.
Clonmel.

Certain lands in the occupation of the Corporation (that is to say) lands in the borough of Clonmel in the townland of Burgagery Lands East in the parish of St. Mary's Clonmel and county of Tipperary and
5 bounded on the north by a house yard and premises in the occupation of Patrick O'Mara on the south by the towing path along the north bank of the River Suir on the east by lands and premises in the occupation of John Magner and lands and premises in the occupation of the Clonmel Harve Show Society and on the west by lands in the
10 occupation of the Corporation on which the existing gasworks are erected and by premises in the occupation of Catherine Gleeson and by premises in the occupation of William Harney.

Given under our seal of office this twenty-ninth day of April in the year of our Lord one thousand nine hundred and twelve.

15 (L.S.) (Signed) H. A. ROBINSON.

SCHEDULE D.

KING'S COUNTY AND COUNTY OF WESTMEATH.

*Provisional Order to transfer the business of the Drainage Board for the Silver River Drainage District to the
20 County Councils of the King's County and the County of Westmeath.*

*King's
County and
Westmeath.*

WHEREAS the Silver River Drainage District was constituted by a Provisional Order of the Commissioners of Public Works in Ireland dated the eighteenth day of February one thousand eight hundred
25 and sixty-five and confirmed by the Drainage and Improvement of Lands Supplemental Act (Ireland) 1865 and the said district is situate partly within the King's County and partly within the county of Westmeath:

28 & 29 Vict.
c. 12.

And whereas it appears proper to Ue the Local Government
30 Board for Ireland (in this Order referred to as "the Local Government Board") to make an order transferring to the county councils of the King's County and the county of Westmeath the business arising in their counties under the Drainage and Improvement of Lands (Ireland) Acts 1863 to 1892 of the drainage board for the said
35 district:

A.D. 1912.

*King's
County and
Westmeath.
61 & 62 Vict.
c. 37.*

And whereas the said drainage board have consented to the making of this Order:

Now therefore We the Local Government Board in pursuance of the powers given to Us by section 20 of the Local Government (Ireland) Act 1898 and of all other powers enabling Us in that behalf 5 do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect:—

1. There shall be transferred to the county councils of the King's County and the county of Westmeath jointly the business arising in their counties under the Drainage and Improvement of Lands (Ireland) 10 Acts 1863 to 1892 of the drainage board for the Silver River Drainage District.

2. The business transferred by this Order shall be administered by a joint committee of the said county councils with a representation of each council to be determined in case of dispute by the Lord 15 Lieutenant.

3. The costs and expenses of the Local Government Board in respect of the application for preparation making and confirmation of this Order shall be paid by the county councils in such proportions as the Local Government Board may direct and the share of each council 20 may be raised equally over the whole of their county.

4. This Order may be cited as the Silver River Drainage Order 1912.

Given under our seal of office this twenty-sixth day of January in the year of our Lord one thousand nine hundred and 25 twelve.

(L.S.)

(Signed) H. A. ROBINSON.

Local Government (Ireland) Provisional Orders (No. 3).

A B I L L

To confirm certain Provisional Orders of the Local Government Board for Ireland relating to the Dublin Joint Hospital District, the Portarlington Joint Burial Board, Clonmel and the King's County and County of Westmeath.

Presented by Mr. Birrell.

*Ordered, by The House of Commons, to be Printed,
17 May 1912.*

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